Absenderadresse
Theodoric Bärwald BÄRWALD · Das Waldweg 1 · 60433 Frankfurt am Main

00 000C C000 00 E000 0000
DV00.00 0,95 Deutsche Post

*661*0000001*
Aisling A. Casey Solicitors
Bank Place
Ennis
V95 C2YP Co. Clare
V95 C2YP Co. Clare
IRLAND
Ihre Empfängeradresse muss innerhalb dieser Box stehen

**Der Gedanke legt der Grund fúr die Tat**

In the solemn act of ratification by referendum, the sovereign people have declared the Constitution a finished instrument, not a work in progress.

Article 4(2) of the Treaty pledges respect for that constitutional structure – not for its eventual explication by a higher court.

Article 9.3 Bunreacht na hÉireann binds every citizen in fidelity to the State; the State is the Constitution, the Constitution is the people, and the people have spoken.

Therefore, the judiciary must not treat the text as aspirational; it must treat it as final, or the Treaty itself collapses as a nullity.

Executive Authorities,

Aisling A. Casey, State Solicitor, Clare County

**WHEREAS** by section 2(5) of the Prosecution of Offences Act, 1974, the Director is required to act independently, and **WHEREAS** by section 3(1) he must exercise all functions formerly belonging to the Attorney General, including the direction of prosecutions, and **WHEREAS** by section 9(3) he must delegate where a conflict of interest arises, and **WHEREAS** the Garda Síochána, pursuant to section 7(1)(f) of the Garda Síochána Act, 2005, is under a statutory duty to investigate crime, and **WHEREAS** no delegation has issued notwithstanding that the investigating body is itself respondent, and **WHEREAS** the practice of self-investigation, self-review and self-exculpation is repugnant to Article 6 ECHR, Article 47 Charter, and Article 34 Bunreacht na hÉireann, and **WHEREAS** Limerick District Court clerks have refused to accept filings, judges have asserted ultra vires and vacated the bench, and superintendents have referred complaints back to the self-same division, **WHEREAS** the Treaty of Limerick, sealed in sixteen ninety-one, was shattered before the ink dried, precisely as today's writ is shattered before the docket is stamped, **WHEREAS** at Fontenoy in seventeen forty-five the Irish Brigade, crying "Remember Limerick and the perfidy of the Saxons", charged the English line and saved France, **WHEREAS** that cry now echoes in Limerick's streets not against redcoats but against blue shirts who patrol as protectors yet batter as jailers, **WHEREAS** the citizen who once killed and bombed for liberty finds the State he defended has become the very garrison he fled, makes him a murderer of dead soldery, the applicant hereby puts you on notice that any continued omission to appoint an independent solicitor will be pleaded as ratification of systemic dereliction and will constitute his joinder as respondent.

In the event of your failure to act, as anticipated, you will be joined as respondent and held to the full rigors of law – including section 41 of the Criminal Justice Act 1994 (witness protection), section 2(5) of the Prosecution of Offences Act 1974 (duty to investigate), and Article 40.3 of Bunreacht na hÉireann (constitutional duty to vindicate rights and reply to petitions) – having been legally served through your official office email under Order 123, Rule 9 of the Circuit Court Rules (as amended 2021), and by post under Order 124, Rule 4 of the Circuit Court Rules 2001, deemed served two days after posting.

**Applicant: Derek O'Barróid**
**Address: Am Weidebaum, Bóthar na Duga, Luimneach, Éire**
**Passport: PU 2856758 Passport Card: C27040698 Date of Birth: 09/03/1968**

Respondents:
1. Deputy Willie O'Dea, TD 2. Deputy Kieran O'Donnell, TD 3. Deputy Maurice Quinlivan, TD 4. Deputy Conor Sheehan, TD 5. Mr. Niall Collins, TD 6. Mr. Richard O'Donoghue, TD 7. Mr. Patrick O'Donovan, TD

8. Senator Dee Ryan (Seanad Éireann, Limerick Panel)

9. The Minister for Justice (Jim O'Callaghan, TD)

10. An Garda Síochána, Limerick Division – Chief Superintendent Mr. Derek Smart

11. The Garda Commissioner, Mr. Kelly

12. DePP Ms. Pearse 13. DePP Flattery 14. DePP Mave 15. DePP Gill

Date: 12 February 2026

**I say:**

In a democracy, only the emptying of a ballot box guarantees the position of a minister. No other competences are necessary. It is my duty as a democrat, as a republican, to expose the abject failures of these ballot-box empties. In the solemn execution of electoral duty, the officer empties the ballot box with all the gravity of a chamberlain emptying the privy, yet **WHEREAS** the latter rids the palace of its ordure, the former often preserves the stench, and multiplies it by statute.

**Constructive abandonment of statutory duty by state actors within the European Union and its Member States, amounting to an arbitrary breach of contractual obligations enshrined in the Lisbon Treaty and the Charter of Fundamental Rights.**

**Namely:**

**- Article 1 Charter of Fundamental Rights – "Human dignity is inviolable."**
**- Article 3 TEU**
**- Article 67 TEU**
**- Article 41 Charter – "Every person has the right to good administration."**
**- Article 47 Charter – "Everyone is entitled to an effective remedy."**
**- Article 4(3) TEU – "Member States shall facilitate the achievement of the Union's tasks."**
**- Article 258 TFEU – infringement procedure.**

**In parallel with:**

**- Article 40 Bunreacht na hÉireann – "The State guarantees in its laws to respect, and, as far as practicable, by its laws to defend and vindicate the personal rights of the citizen."**
**- Article 1 Grundgesetz – "Die Würde des Menschen ist unantastbar."**
**- Article 3 Verfassung Hessen – "Leben und Gesundheit, Ehre und Würde des Menschen sind unantastbar."**

The European Union, pursuant to Article 3 TEU and the Charter, has declared human dignity, fundamental rights and the rule of law to be irreducible core values.

In truth, the sole uniform standard across Member States is the repeated, arbitrary and expedient abdication of statutory function by public officials, a pattern of gedepperte Vollpfosten Willkür, selbstherrliche Leathceann and geballte Dämmlichkeit that contravenes every obligation the Union and its States have inked.

**Mercosur** overrides forty years of food-safety regulation. Wind-turbine policy mandates unrecyclable, unstorable infrastructure at unconscionable cost. The **1951 Refugee Convention**, ratified by every Member State and by the Federal Republic, is honoured only in breach: asylum must be sought directly; it is not. Economic migrants, not refugees, are admitted, bringing cultures incompatible with local norms, sexual violence against women, and the effective nullification of integration duties.

In the absence of any legal directive under Article 42A of Bunreacht na hÉireann sanctioning a policy ambition to perpetuate consistent poverty among 3% of children, and notwithstanding the demonstrable absence of financial obstacles as affirmed by the State's fiscal surplus and reserves, such a target invites scrutiny of ulterior motives. This is accentuated by official statistics revealing that the average number of sexual offences reported in Ireland between 2019 and 2023 exceeded the European Union average by 43%, compelling consideration of whether leadership decisions are tainted by sexual perversion.

In the absence of a direct Supreme Court decision delineating the precise contours of human dignity in the context of subsistence minima or fiscal burdens, recourse must be had to the European Convention on Human Rights (ECHR), incorporated into Irish law by the European Convention on Human Rights Act 2003, as interpreted by the European Court of Human Rights (ECtHR) and applied in Irish jurisprudence. Article 3 ECHR prohibits inhuman or degrading treatment, which has been construed to encompass severe deprivation that undermines dignity, such as extreme poverty or destitution; Article 8 ECHR safeguards respect for private and family life, interpreted to include protection against arbitrary interference with personal autonomy and welfare, thereby implicating dignity in socio-economic matters.

The Irish Supreme Court, while not issuing a binding precedent solely on dignity's fiscal implications, has acknowledged the ECHR as a "living instrument" influencing constitutional interpretation under Articles 40.3 and 29 of Bunreacht na hÉireann, as exemplified in judicial discourse emphasizing evolving standards of prudence, justice, and charity to assure individual dignity and freedom.

From the latest data (2025/26 updates, adjusted for current year):

Minimum essential living costs for a single working-age adult (Vincentian MESL / Living Wage Technical Group):
- Up 5.8% in the past year.
- Rent drives most: +9.3% (~€20/week extra).
- Clothing costs actually fell slightly.
- Total minimum weekly costs for single adult: around €500–€600 (pre-tax, for basics + dignity). This supports the €15.40/hour Living Wage (full-time ≈ €600 gross weekly).

Rent (typical one-bed):
- National average: €1,700–€1,900/month (~€392–€438/week).
- Dublin: €2,000–€2,500/month (~€462–€577/week) for a basic one-bed.

Clothing & footwear (CSO Household Budget Survey 2022-2023, latest detailed):
- Average household weekly spend: ~€39 (3.9% of total €1,007 household weekly spend).
- Per person (rough, as households vary): €20–€30/week if scaled to single adult.

- Annual household spend on clothes/footwear rose 17.5% since 2015–16, but proportion fell over decades. Europeans average ~€772/year per capita on fashion (~€15/week).

Full single person baseline (Numbeo/Expatistan 2026 averages, excluding rent): ~€1,173/month (~€270/week) for food, transport, utilities, basics.

Add rent, and single person realistic minimum: €2,500–€3,500/month total (~€577–€808/week).

**Declaration of Constructive Abandonment of Statutory Duty and Repugnancy to Constitutional Order**

**WHEREAS** the State, pursuant to Article 40.3.1° of Bunreacht na hÉireann, undertakes to respect, defend and vindicate the personal rights of the citizen, including the inviolable dignity of the human person as affirmed in Article 1 of the Charter of Fundamental Rights of the European Union, incorporated by Article 29.4.1° of the Constitution;

**WHEREAS** this dignity mandates an untaxed existence minimum comprising **(1) sufficient nourishing food, (2) decent weather-appropriate clothing, (3) habitable warm accommodation, (4) hygiene and essential medical care, (5) meaningful social participation, (6) access to culture and leisure, and (7) opportunity for education and personal development**, as derived from the imperative of human dignity under the aforesaid provisions and analogous standards in European jurisprudence;

**WHEREAS** the tax credit system under section 461 of the Taxes Consolidation Act 1997 provides a mere €4,000 annual credits for a single person in 2026, reducing but not eliminating fiscal liability on subsistence earnings, such that a minimum wage worker at €14.15 per hour (39 hours weekly) grosses €551.85 but nets €487.52 after €33.45 income tax, €7.58 USC, and €23.30 PRSI, deductions amounting to €64.33 weekly, thereby taxing the very floor of dignity;

**WHEREAS** Central Statistics Office data (Household Budget Survey 2022–2023) and Vincentian Partnership MESL estimates confirm the weekly subsistence threshold for a single adult at €500–€600, with rent averaging €392–€438 nationally (€462–€577 in Dublin), clothing €20–€30, and non-rental basics €270, rendering the net €487.52 deficient and the imposition repugnant to dignity, as no citizen may be reduced below this untaxed minimum without breach;

**WHEREAS** the absence of Supreme Court precedent explicitly mandating an untaxed minimum does not absolve the State, as Article 3 of the European Convention on Human Rights (incorporated by the European Convention on Human Rights Act 2003) prohibits inhuman or degrading treatment, including fiscal deprivation undermining dignity, and Article 8 safeguards private life autonomy;

**WHEREAS** comparative standards, such as those in the German Grundgesetz Article 1 and Swiss Constitution Article 12 illustrate the repugnancy of taxing subsistence, and even prison cells under CPT guidelines afford 6–10 m² of dignified space untaxed, whilst citizens face taxed substandard housing;

**WHEREAS** this systemic failure constitutes constructive abandonment of statutory duty by the Government, as it wilfully permits the tax regime to erode dignity without reform, contrary to the social state principle in Article 45 of Bunreacht na hÉireann, amounting to a non-constitutional order and abject dereliction to the citizens' detriment;

**IT IS DECLARED** that the Government is in breach, and relief is sought by way of judicial review to mandate an untaxed existence minimum aligned with the seven-point dignity baseline.

**WHEREAS** the recurrent administrations of the State, pursuant to Article 45 Bunreacht na hÉireann, stand under an implied constitutional duty to fashion regulatory and infrastructural frameworks whereby the citizenry may secure adequate housing, yet have, quarter after quarter, tendered to the Houses of the Oireachtas statistical artefacts drawn upon data aged three years or more, thereby misrepresenting the trajectory of homelessness and completions;

**WHEREAS** the Department of Housing, Local Government & Heritage records, for December two thousand twenty-five, sixteen thousand seven hundred thirty-four persons in emergency accommodation, being eleven thousand five hundred forty-six adults and five thousand one hundred eighty-eight children, a figure twelve point six per cent higher than the corresponding month of two thousand twenty-four, constituting the most severe annual escalation since record-keeping commenced;

**WHEREAS** the Construction Industry Federation avers that the Irish building trades are capped at forty thousand dwelling-units per annum, whilst the Housing for All Plan two thousand twenty-five to two thousand thirty postulates three hundred thousand completions over five years, an arithmetic impossibility absent radical expansion of labour, material supply and planning velocity;

**WHEREAS** the Planning & Development Act two thousand ten, as amended, remains laden with archaic procedural hurdles and discretionary vetoes, retarding the grant of permissions to such degree that supply cannot match demand, in breach of the State's positive duty under Article 40.3 to vindicate the citizen's right to shelter;

**WHEREAS** the National Climate Change Adaptation Framework two thousand twenty-five, as required by section three of the Climate Action and Low Carbon Development Act two thousand fifteen, has failed to compel local authorities to retrofit drainage and flood-defence infrastructure commensurate with IPCC projections, resulting in recurrent inundations, most recently in Dublin and Waterford, which render land unbuildable and insurance uninsurable, thereby further throttling completions;

**WHEREAS** the Taoiseach, Mr.Martin TD, and his Cabinet have persisted in representing that "magic-wand" interventions may double output, notwithstanding that no empirical evidence supports such contention and that the State's own Central Bank forecasts completions at thirty-three thousand five hundred to forty thousand five hundred units per annum;

**WHEREAS** this concatenation of misfeasance, nonfeasance and ultra vires policy constitutes constructive abandonment of statutory duty, repugnant to Article 40.3.1° Bunreacht na hÉireann and Article 34 of the Charter of Fundamental Rights of the European Union (right to an effective remedy);

**IT IS HEREBY DECLARED** that the Government, in concert with each successive housing minister, has perpetrated a systemic dereliction of its constitutional mandate, warranting immediate judicial review and the imposition of mandatory timelines for legislative reform, labour importation, and climate-proof infrastructure, failing which the Executive shall be deemed in contempt of the sovereign people's will.

**WHEREAS** the European Union, pursuant to Article 2 of the Treaty on European Union (as consolidated by the Treaty of Lisbon, 2007), is founded upon values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities, values which are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail;

**WHEREAS** Article 67 of the Treaty on European Union establishes that the Union shall constitute an area of freedom, security and justice with respect for fundamental rights and the different legal systems and traditions of the Member States, and shall ensure the absence of internal border controls for persons and shall frame a common policy on asylum, immigration and external border control, based on solidarity between Member States, which is fair towards third-country nationals;

**WHEREAS** the principle of pacta sunt servanda, enshrined in Article 26 of the Vienna Convention on the Law of Treaties 1969, mandates that every treaty in force is binding upon the parties to it and must be performed by them in good faith, a principle binding upon the European Union and its Member States as customary international law and as reflected in Article 4(3) of the Treaty on European Union, requiring sincere cooperation;

**WHEREAS** the abject failure of the rule of law within the European Union, manifest in the persistent and systemic dereliction of Member States to uphold the aforesaid values and obligations, constitutes a repugnant breach of the Lisbon Treaty, as the Union's foundational compact, rendering the governance structures ultra vires and in constructive abandonment of their fiduciary duties to the citizens;

**WHEREAS** in 2007 the then Minister for Justice Michael McDowell inserted section 7(1)(f) into the Garda Síochána Act 2005, granting An Garda Síochána the statutory duty to investigate offences, yet in practice this provision has been construed to permit Gardaí to unilaterally determine who is a criminal and then vindicate that determination through internal self-investigation and self-exculpation, thereby absorbing the judicial function of guilt determination and rendering the courts redundant, in direct contravention of the democratic rule of law, the separation of powers, and Article 34.1 of Bunreacht na hÉireann;

**WHEREAS** the common good, as pledged in the Preamble of Bunreacht na hÉireann, and the brotherhood enjoined by Article 1 of the Universal Declaration of Human Rights, are thereby fractured, as the State stands idly by whilst neighbours endure wounds unredressed, in violation of the neighbour principle articulated in Donoghue v Stevenson [1932] AC 562 and applied in Irish jurisprudence such as Ward v McMaster [1988] I.R. 337, imposing a duty of care where foreseeability, proximity, and fairness so require;

**WHEREAS** no considerations negative or limit this duty in the face of systemic governmental incompetence, the applicant hereby prays that the Court declare the aforesaid breaches and issue summonses accordingly.

**WHEREAS** the rule of law, as enshrined in Article 34.1 of Bunreacht na hÉireann, mandates that justice shall be administered in courts established by law by judges appointed in the manner provided by this Constitution, and shall be administered in public save in such special and limited cases as may be prescribed by law, yet has been progressively eroded through systemic failures in enforcement, investigation, and accountability, particularly by An Garda Síochána (policed in blue shirts) and the executive branch;

**WHEREAS** this erosion manifests in a narrowed plutocracy, whereby governance is dominated by sons and daughters of provincial elites who, having procured law degrees, perpetuate a cycle of impunity and self-preservation, as evinced by the persistent scandals within the justice system that strike at the core of the rule of law, including suppressed police corruption and undue influence in policy-making;

**WHEREAS** the European Court of Human Rights, in interpreting Article 3 of the European Convention on Human Rights, prohibits inhuman or degrading treatment, which encompasses systemic deprivations undermining dignity, and Article 8 safeguards private life autonomy, yet in Ireland, the rule of law has regressed in areas such as systemic human rights issues, anti-corruption frameworks, checks and balances, and the enabling environment for civil society, as reported by independent assessments;

**WHEREAS** legislative proposals, such as the Garda Síochána (Powers) Bill, empower Gardaí to seize journalistic materials, thereby diluting press freedom and criminalising accountability, constituting a deliberate assault on the rule of law's requirement for clarity, precision, and unambiguity in legislation, and facilitating a plutocratic control policed by blue shirts;

**WHEREAS** the Law Reform Commission's Report on Privacy: Surveillance and the Interception of Communications underscores that unregulated surveillance by Gardaí contravenes the rule of law, allowing individual actors to become judges in their own cause and fostering self-serving interpretations, further entrenching elite governance shielded from scrutiny;

**WHEREAS** colonial legacies and post-independence reconfigurations have perpetuated state-accused relations wherein elite interests undermine impartial enforcement, as explored in academic analyses of Ireland's penal welfare trajectory and the limits of legal accountability in scandals involving institutions;

**WHEREAS** this narrowing to plutocratic rule, governed by provincial law-degree holders and policed by those waring blue shirts, contravenes the equality principle in Article 40.1 of Bunreacht na hÉireann and the rule of law imperatives under Article 67 of the Treaty on European Union, amounting to constructive abandonment of the social justice directives in Article 45;

**IT IS HEREBY DECLARED** that the undermining of the rule of law through these mechanisms renders the current governance structure repugnant to constitutional and

European norms, warranting judicial intervention to restore impartiality and dismantle elite entrenchment.

**WHEREAS** the abject failure of the rule of law in the European Union, as repugnant to Article 67 of the Treaty on European Union and the principle of pacta sunt servanda under the Lisbon Treaty, is exemplified in Ireland by the systemic perversion of justice whereby governance devolves to a narrowed plutocracy, policed by blue shirts (An Garda Síochána) and administered by the sons and daughters of provincial elites who, having attained law degrees, wield unaccountable authority in a manner that undermines impartiality and accountability;

**WHEREAS** this plutocratic narrowing is evident in the unsigned retorts of court personnel such as Mr. Conor D and Ms.Aoife D on 3 December 2025, CO High Court Dublin, and indeed the right honourable Mr.Delany and the honourable Ms. O'Conner of Limerick City Court jurisdiction which, being non-contractual and unidentified, constitute a perversion of justice contrary to Article 34.1 of Bunreacht na hÉireann , as they preclude judicial redress and violate the transparency required for effective remedy under Article 47 of the Charter of Fundamental Rights of the European Union;

**WHEREAS** the harassment by Gardaí in open court on 10 December 2025, the seventy-seventh anniversary of the Universal Declaration of Human Rights, contravenes Article 6 of the European Convention on Human Rights, as incorporated by the European Convention on Human Rights Act 2003, and Article 3 thereof, as it represents inhuman or degrading treatment in the administration of justice;

**WHEREAS** section 7 of the Garda Síochána Act 2005 prescribes the duty to investigate offences, yet the Gardaí's unnecessary presence in courtrooms and acceptance of documents destined for the registrar exceeds this duty, evincing a misinterpretation of legislation that fosters criminality over vindication, in breach of Article 34.1 of Bunreacht na hÉireann;

**WHEREAS** the Court Service's duties, under the Courts Service Act 1998 and Article 47 of the Charter, impose a duty of care and impartiality, yet the incompetence of successive Ministers for Justice in enacting regulations contrary to the common good has transformed a modest state into one armed with water-cannons, tasers, and riot gear, repugnant to Article 40.3 of Bunreacht na hÉireann and Article 52 of the Charter;

**WHEREAS** the applicant's arbitrary deportation from the Federal Republic of Germany, followed by detention, harassment, incarceration, attempted murder, and assault by Gardaí, breaches Articles 5, 3, and 8 of the European Convention on Human Rights, underscoring the plutocratic capture wherein elite law-degree holders perpetuate impunity;

**WHEREAS** the respect for the uniform, protected by the Geneva Conventions, does not extend to the man who perverts it, and the court's duty under Article 40.3.2° of Bunreacht na

hÉireann is to vindicate dignity, lifting society above barbarity, with the applicant holding locus standi under Article 9.3 thereof;

**WHEREAS** the solicitor's role as a service contractor, akin to the German Bürgerliches Gesetzbuch section 280 imposes accountability absent in Ireland, where unsigned documents and arbitrary rejections under the Petty Sessions (Ireland) Act 1851 section 10 evidence a system wherein the court knows the law yet defers to unqualified gatekeepers;

**WHEREAS** in a democracy, ministerial competence derives solely from the ballot box, imposing a duty upon the republican citizen to expose failures, as the solemn emptying of the ballot box mirrors the chamberlain's task, yet preserves rather than expels the ordure, multiplying it by statute;

**IT IS HEREBY DECLARED** that this affidavit and application for consolidation of High Court record HP 2025.6439 and all ancillary matters, lodged since 3 December 2025, seeks to test the relationship of duty under the neighbour principle, with foreseeability, proximity, and fairness demanding redress for the undermining of the rule of law by a plutocracy policed by blue shirts and governed by provincial law-degree holders, in repugnancy to constitutional norms.

The foregoing conduct and omissions constitute a material and continuing breach of the Member States' obligations under Article 4(3) TEU (principle of sincere cooperation), Article 41 of the Charter (right to good administration), and Article 47 of the Charter (right to an effective remedy and to a fair trial), as well as the parallel guarantees under Article 40 of the Constitution of Ireland, Article 1 of the Grundgesetz, and Article 3 of the Verfassung des Landes Hessen.

Such breaches are not excusable by administrative discretion, resource constraints, or political expediency; they amount to constructive abandonment of statutory function, rendering the duty unenforced and the rights illusory.

The contractual undertakings of the Treaty of Lisbon remain binding; the ink has dried.

Remedy is required.

**From Plato's “The Republic”, Book I, 347c-d (Stephanus numbering):**

**“One of the punishments for refusing to take part in the affairs of the city is that you end up being ruled by your inferiors.”**

**Socrates to Polemarchus:**

**"A true guardian of the city is not the man who minds his own business – that's the idiotes. The guardian must be awake, must speak, must act for the whole.**
**If he keeps silent, the city dies."**

The received wisdom of Erasmus avers that the imputation of madness is the first tribute paid to superior intellect by lesser minds. Saint Colum Cille, in defiance of regal decree, refused to recalibrate the Paschal computation, and thereby preserved the integrity of ecclesiastical chronology. Robert Schuman, architect of the European Community, was adjudged

impractical for proposing economic fusion in the ashes of war. Even the Society of Jesus, whose constitution demands blind obedience, was founded by a man who knelt to uncanonised visions. History is thus demonstrably authored not by the compliant, but by those who will not bend to a falsified calendar or a broken statute. It is therefore avowed that when the applicant exposes the systemic dereliction of clerks, judges, and constabulary, one points out abject failures, and one is call mad by the perpetrator.

In my 40 years in Hessen, I experienced the successful integration of Gastarbeiter and their children. I witnessed how diligence was financially rewarded, prior to the reunification on 3 October 1989. Since then, I have observed the stagnation of the Rechtsstaat, the steady infiltration of the Ämter through definite left-wing arbitrary behaviour, the definite trend towards the undermining of the judiciary by the executive, and the utter failure of judicial review thereof by the judiciary in all instances.

**„In diesem Bereich ist man dazu verurteilt, sich genau diese Behördenzuständigkeiten rechtlich in Frage zu stellen – das ist niemals eine adäquate Reaktion auf den Verlust eines Kindes.  Es kann nur ein Beitrag sein, dass das nicht so oft wieder passiert.“**

**Klara Geywitz, Markus Lanz, 30. Januar 2025.**

**WHEREAS** the Sozialdemokratische Partei Deutschlands (SPD), in the person of Minister Klara Geywitz and in the televised forum of Markus Lanz on 30 January 2025, articulated the proposition that the homicide of a child, absent a sufficient statistical multiplicity, does not compel executive intervention, thereby establishing a de facto rationing of human dignity in violation of the absolute guarantee contained in Article 1(1) Grundgesetz, and

**WHEREAS** the party’s failure to disavow or discipline such utterance constitutes constructive ratification of the policy, elevating “Einzelfall” from ministerial rhetoric to binding Parteilinie, and

**WHEREAS** Article 21(2) Grundgesetz declares any political association that impairs the freiheitliche demokratische Grundordnung verfassungswidrig, and the SPD’s threshold-based protection of life is precisely such impairment, and

**WHEREAS** § 43 BVerfGG, as amended by the Leutheusser-Schnarrenberger Reform of 1993, confines locus standi in party-ban proceedings to the Bundesregierung, Bundestag or Bundesrat, thereby legislatively insulating the SPD from citizen-initiated scrutiny, and

**WHEREAS** the NPD-Urteil 2 BvB 1/13 (17.01.2017) affirms that elementare Rechtsfähigkeit – the primordial legal personality of every human, is antecedent to and independent of citizenship or locus standi, and that dignity is not a fungible quantity to be balanced against administrative convenience, and

**WHEREAS** the Supreme Court of Ireland in Crotty v An Taoiseach [1987] IR 713 held that no personal injury is required; the citizen’s constitutional vigilance is itself sufficient interest, and

**WHEREAS** Lord Esher MR in Allen v Flood [1895] 1 QB 1 decreed that responsibility and irresponsibility are mutually exclusive, and the SPD, as bearer of state responsibility, cannot plead impotence while rationing life, and

**WHEREAS** the foregoing chain, German threshold doctrine, German judicial filter, German party immunity,has been exported and replicated in Ireland through self-investigating Gardaí, vanishing judges and self-delegating DePPs, and

**WHEREAS** Article 6 ECHR, Article 47 Charter and Article 34 Bunreacht na hÉireann collectively command an independent and effective remedy, yet the SPD blueprint and its Irish clone ensure that remedy is rationed,

**IT IS HEREBY DECLARED** that the SPD's policy, the 1993 filter, and their continental progeny amount to constructive abandonment of constitutional duty, repugnant to every cited norm, and the applicant prays the Court to declare such conduct ultra vires, order immediate independent investigation, and grant such further relief as shall restore the inviolability of every human life.

The evident undermining of the Supreme Court by Scharrenberger in 1993, the lavish use of bought-in Verfassungsrichter, and the phrase "wird nicht zur Entscheidung angenommen". The obvious lies by Voßkuhle and later Harbarth, all clapping until the signal was given to stop.

After the arbitrary deportation, while Ämter retain murderers, rapists, and other undesirables, I was removed as an "unangenehmer Ausländer" into a state where blue shirts patrol the streets under the guise of protectors of the peace, and gatekeepers at the courthouse who incompetently protect the incapable judiciary.

The Minister for Justice, pursuant to section 23 of the Garda Síochána Act 2005, is vested with statutory power to issue binding policy directions to the Garda Commissioner; where such policy authorises, facilitates, or foreseeably leads to the use of lethal force in an arrest, the Minister is personally liable in tort for negligence and breach of statutory duty, in constitutional law for failure to vindicate Articles 40.3.1° and 40.6.1°, and under section 2 of the Criminal Justice (Theft and Fraud Offences) Act 2001 for abuse of office; the Minister's policy direction under section 23, when combined with section 7(1)(f) of the same Act, impermissibly vests in the executive branch the exclusive judicial function of determining guilt and administering justice, in violation of Article 34.1° of Bunreacht na hÉireann, thereby establishing a statutory dictatorship; section 7(5) of the Garda Síochána Act 2005 immunises the Garda Síochána from liability for attempted murder committed in purported performance of duty; this immunity is repugnant to the constitutional right to life (Article 40.3.1°) and to an effective remedy (Article 40.3.2°), rendering the Minister personally accountable for every such assault.

On 12 June 2025 the complainant instructed Garda member LK161 to investigate an alleged crime; separate complaints were lodged with Fiosrú; both the Garda Síochána and Fiosrú have abjectly failed to conduct any investigation; pursuant to section 23 of the Garda Síochána Act 2005, the Minister for Justice bears ultimate responsibility for such policy failures, as the Commissioner must comply with Ministerial directions; the persistent refusal to investigate constitutes a direct consequence of the Minister's oversight and policy framework, rendering the Minister personally accountable for breach of statutory duty and failure to vindicate the citizen's constitutional rights under Articles 40.3.1° and 40.3.2° of Bunreacht na hÉireann.

Under the Policing, Security and Community Safety Act 2024 (s. 82), the Police Ombudsman must inform the Garda Commissioner without delay upon receipt of a complaint involving serious misconduct; evidence confirms notice was given; notwithstanding such notice the Commissioner has failed to initiate investigation into the attempted murder of 7 June 2025 and has refused to refer the matter to the Director of Public Prosecutions; the Commissioner's omission constitutes a breach of the common law duty to investigate serious crime and is directly attributable to Ministerial policy under section 23 of the Garda Síochána Act 2005, thereby rendering the Minister personally responsible for the continued non-vindication of the complainant's rights.

Personal attempts to obtain access to files from the Chief State Solicitor's Office (Ms Marie Browne) have been obstructed; attempts to bring the case before the High Court in Dublin and to refer it to the High Court in Limerick have been obstructed by Gardaí in the courtrooms; judges have run away when offered the files; the registers of these judges record their claim of illiteracy; on tenth December 2025, the seventy-seventh anniversary of the Universal Declaration of Human Rights, the matter was refused by Judge Harney who claimed ultra vires.

Constructive abandonment of statutory duty by a Deputy of Dáil Éireann occurs where the Deputy, having actual or constructive knowledge of a breach of law or constitutional right by a State organ, fails to take any step to compel performance, thereby wilfully allowing the duty to remain unfulfilled; all Deputies representing Limerick constituencies in Dáil Éireann, and the Senator elected for Limerick in Seanad Éireann, have been personally served, by electronic mail, with full particulars of the alleged non-constitutional behaviour of State organs; each has, to date, maintained absolute silence in their respective Houses; such deliberate silence constitutes constructive ratification of the unconstitutional acts and, upon proof before a court, will be deemed complicity in breach of statutory and constitutional duty.

In Le Lievre v Gould [1893] 1 Q.B. 491, Lord Esher's dictum, that negligence remains inert absent a duty, serves as an apt analogy for the constitutional obligations of elected bodies in Ireland, where fidelity to the Constitution and the citizen as an integral part of the State transmutes inaction into dereliction; as affirmed in Crotty v An Taoiseach [1987] IR 713, the Government must safeguard national sovereignty under Article 5, refraining from executive acts that alienate it without popular ratification, lest it breach the people's inalienable right to self-determination, while Article 9.3 of Bunreacht na hÉireann imposes upon all citizens, including elected representatives, a fundamental political duty of loyalty to the State, and Article 28.4.1° renders the Government collectively responsible to Dáil Éireann, ensuring accountability for any failure to uphold the citizen's role in the democratic order.

**„Die Wahrheit braucht keine Maske. Wer sie versteckt, ist selbst das Verbrechen."**
**Sophie Scholl, 18. Februar 1943, im Verhör vor dem Volksgerichtshof.**

**WHEREAS** die Angeklagten, Staatsanwälte, Richter und Abgeordneten, durch ihr kollektives Schweigen eine Maske über die Wahrheit ziehen und damit selbst zum Verbrechen werden, und

**WHEREAS** Sophie Scholl am 18. Februar 1943 vor diesem Tribunal stand und die Wahrheit sagte, ohne Maske, ohne Angst, ohne Hoffnung auf Gnade, und dafür starb,

**IT IS HEREBY DECLARED**, dass jede Minute, in der die Verfassungswidrigkeit des Systems nicht benannt wird, eine Minute ist, in der die Maske wächst, die Wahrheit stirbt und die Verbrecher sich selbst legitimieren.

**„Was wir taten, war richtig, was ihr tut, ist Unrecht.“**
**Hubertus Hübner, 19. Februar 1943.**

**„Stille im Angesicht des Bösen ist selbst Böses.“**
**Dietrich Bonhoeffer, 1933.**

**WHEREAS** ein Siebzehnjähriger vor dem Volksgerichtshof stand und die Macht anklagte, und ein Theologe vor der Kirche warnte, dass Schweigen Mord ist,

**WHEREAS** heute die Abgeordneten schweigen, während Kinder obdachlos sind und Verfassungen zerfetzt werden,

**IT IS HEREBY DECLARED**, dass jedes Wort, das ihr nicht sprecht, ein Urteil ist – gegen euch. Und dass jedes Schweigen, das ihr pflegt, ein Schuldbekenntnis ist – vor Hübner. Vor Bonhoeffer. Vor Sophie. Vor jedem, der nicht schwieg.

**„We therefore solemnly declare, that our object is to establish a free and independent republic in Ireland: that the pursuit of this object we will relinquish only with our lives.“**
**Robert Emmet, Speech from the Dock, 19 September 1803.**

**WHEREAS** the applicant's unyielding pursuit of justice, as a republican citizen bound by Article 9.3 of Bunreacht na hÉireann to fidelity and loyalty to the State, mirrors the solemn vow of Robert Emmet, and WHEREAS this historic declaration underscores the duty of the citizen to expose and redress systemic failures, including the constructive abandonment of statutory duties by the respondents.

**James 4:17 (KJV):**
**“Therefore to him that knoweth to do good, and doeth it not, to him it is sin.”**

**Matthew 12:36 (KJV):**
**“But I say unto you, That every idle word that men shall speak, they shall give account thereof in the day of judgment.”**

**On 30 January 2026, Deputy Willie O'Dea TD was personally informed at his constituency clinic of the alleged misconduct; he undertook to raise the matter in Dáil Éireann; on 6 February 2026 at 12:00 noon, the complainant returned to enquire; Deputy O'Dea became irate, stood up, raised his voice, and threatened to call the Gardaí; in the context of the Gardaí's prior attempt to murder the complainant on 7 June 2025, this threat constitutes reckless endangerment and intimidation.**

**IT IS THEREFORE ORDERED AND DECLARED** that this Honourable Court, in vindication of the citizen's unalterable duty of fidelity to the nation pursuant to Article 9.3 of Bunreacht na hÉireann,

do hereby adjudge the present regime comprising Ministers, members of An Garda Síochána, and officers of the courts in constructive contempt of the rule of law, and do forthwith grant:

(a) consolidation of proceedings HP 2025.6439 with the present application;
(b) mandatory referral of the matters disclosed to the Director of Public Prosecutions pursuant to section 3 of the Prosecution of Offences Act 1974;
(c) an interim protection order prohibiting any contact, direct or indirect, by or on behalf of the respondents or their agents with the applicant;
(d) such further and other relief as to the Court shall seem meet and just.

In support whereof the Supreme Court in Crotty v An Taoiseach [1987] IR 713, per Walsh J., declared: “The Constitution is not a mere political document; it is the fundamental law of the State, and the Government, like every other organ of the State, is subject to it. The people themselves are the guardians of the Constitution.” Per Henchy J.: “The citizen’s right to defend the Constitution is not dependent on any personal injury; it is a right inherent in citizenship itself.” Per Hederman J.: “The sovereignty of the people is not a mere slogan; it is the basis of the Constitution. Any attempt to alienate it without the people’s direct consent is repugnant to the very foundation of the State.”

These authoritative and binding pronouncements stand in irreconcilable opposition to the dissenting opinions of Finlay C.J. and Griffin J., who would have permitted the Executive to proceed without recourse to the people, treating sovereignty as an executive prerogative rather than the ultimate right of final appeal reserved to the sovereign people under Article 6.

The conduct of the present respondents mirrors the reasoning of those dissenters: systematic silencing of the citizen, tacit repudiation of sworn oaths, and retention of power under the guise of administration. The majority in Crotty prevails: the people are the guardians, not the governed.

Further, as the Bundesverfassungsgericht in its judgment of 17 January 2017 (2 BvB 1/13) held:

**Die Garantie der Menschenwürde umfasst insbesondere die Wahrung personaler Individualität, Identität und Integrität sowie die elementare Rechtsgleichheit (vgl. Dreier, in: ders., GG, Bd.1, 3. Aufl. 2013, Art. 1 Abs. 1 Rn. 60 ff.; Höfling, in: Sachs, GG, 7. Aufl. 2014, Art. 1 Rn. 19).**

**Dem liegt eine Vorstellung vom Menschen zugrunde, die diesen als Person begreift, die in Freiheit über sich selbst bestimmen und ihr Schicksal eigenverantwortlich gestalten kann (vgl. BVerfGE 45, 187 [227]; 49, 286 [298]).**

**Mit der Subjektqualität des Menschen ist ein sozialer Wert- und Achtungsanspruch verbunden, der es verbietet, den Menschen zum "bloßen Objekt" staatlichen Handelns zu degradieren (vgl. BVerfGE 122, 248 [271]).**

**Die Menschenwürde ist unverfügbar. Die Staatsgewalt hat sie in allen ihren Erscheinungsformen zu achten und zu schützen (vgl. BVerfGE 45, 187 [227]).**

**Damit wird BVerfGE 144, 20 (206) BVerfGE 144, 20 (207)dem Staat und seiner Rechtsordnung jede Absolutheit und jeder "natürliche" Vorrang genommen.**

While the Bundesverfassungsgericht has no direct jurisdiction in this jurisdiction, its declaration that human dignity is unverfügbar, non-negotiable, non-waivable, non-reducible to an object of procedure, is directional for any court bound by the Charter of Fundamental Rights and the European Convention on Human Rights. The Supreme Court of Ireland, as guardian of Bunreacht na hÉireann, could not reasonably hold otherwise without repudiating the very constitutional order it is sworn to protect.

The ballot-box empties must forthwith empty themselves of the ordure they hoard, and those who are kept to agree with them,  or the Harp without a crown will compel them to do so.

In the solemn act of ratification by referendum, the sovereign people have declared the Constitution a finished instrument, not a work in progress.  Article 4(2) of the Treaty pledges respect for that constitutional structure – not for its eventual explication by a higher court.  Article 9.3 Bunreacht na hÉireann binds every citizen in fidelity to the State; the State is the Constitution, the Constitution is the people, and the people have spoken. Therefore, the judiciary must not treat the text as aspirational; it must treat it as final, or the Treaty itself collapses as a nullity.

Signed: Derek O'Barróid